

AMENDED IN ASSEMBLY MARCH 28, 2006

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 13, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 306

Introduced by Senator ~~Campbell~~ Ackerman
(Coauthor: Assembly Member DeVore)

February 16, 2005

~~An act to add Section 5003.19 to the Public Resources Code, relating to state property. An act relating to the Budget Act of 2005, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as amended, ~~Campbell~~ Ackerman. ~~Property transactions: Sunset Ridge Park. Special statewide election expenses.~~

The Budget Act of 2005 appropriated specified amounts from the General Fund for support of the Secretary of State, including election-related costs.

This bill would appropriate \$9,071,000 for expenditure in the 2005–06 fiscal year in augmentation of these Budget Act appropriations for the purpose of covering expenses incurred by the Secretary of State's office related to the special statewide election held November 8, 2005.

~~Existing law authorizes the Department of Parks and Recreation to lease, for any use, all or any portion of any parcel of real property acquired for the state park system, if the director makes specified findings, and the rent is based on the fair market value of the property when used for the purpose for which it is leased. Existing law~~

~~prohibits the term of a lease from exceeding a period of 10 years, unless the Legislature has reviewed and approved the proposed lease as part of the annual budget process, or the State Public Works Board has determined that the proposed lease could not have been presented to the Legislature for review and approval, as provided.~~

~~This bill would, notwithstanding those provisions, authorize the Department of Parks and Recreation to lease 20 acres of unimproved real property situated in the City of Newport Beach known as Sunset Ridge Park to the City of Newport Beach for a term of 25 years without monetary consideration for use of the property, for the development and operation of a local park with regional benefits, as specified. The bill would require the State Public Works Board to review and approve the lease. The bill would, with respect to the lease or an extension of the lease entered into pursuant to those provisions, require the city to comply with applicable storm water waste discharge requirements issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board. The bill would prohibit the City of Newport Beach from using the lease to meet its funding match requirement when applying for specified grant funds to develop Sunset Ridge Park.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The sum of nine million seventy-one thousand
- 2 dollars (\$9,071,000) is hereby appropriated for expenditure in
- 3 the 2005–06 fiscal year in augmentation of Item 0890-001-0001
- 4 of Section 2.00 of the Budget Act of 2005 (Chapter 38 of the
- 5 Statutes of 2005) for the purpose of covering expenses incurred
- 6 by the Secretary of State's office related to the special statewide
- 7 election held November 8, 2005. The amount appropriated is
- 8 scheduled with Item 0890-001-0001 of the Budget Act of 2005 as
- 9 follows:
- 10 (a) Personal services, seventy-five thousand dollars (\$75,000).
- 11 (b) Operating expenses and equipment, three hundred
- 12 eighty-four thousand dollars (\$384,000).
- 13 (c) Special items of expense, eight million six hundred fourteen
- 14 thousand dollars (\$8,614,000).

1 ~~SECTION 1. Section 5003.19 is added to the Public~~
2 ~~Resources Code, to read:~~

3 ~~5003.19. (a) The department may lease to the City of~~
4 ~~Newport Beach a parcel, not to exceed 20 acres of unimproved~~
5 ~~real property situated in the City of Newport Beach, known as~~
6 ~~Sunset Ridge Park.~~

7 ~~(b) Notwithstanding subdivisions (b) and (c) of Section~~
8 ~~5003.17, the term of the lease shall be for a period not to exceed~~
9 ~~25 years and shall be without monetary consideration for use of~~
10 ~~the property, except that the city shall fund the development and~~
11 ~~operation of the park. The terms of the lease shall specify the~~
12 ~~nature of the city's control of, and responsibility for the operation~~
13 ~~of, the parcel.~~

14 ~~(c) The purpose of the lease shall be for the development and~~
15 ~~operation by the city of a locally operated state park unit with~~
16 ~~regional benefits. These benefits shall include, but are not limited~~
17 ~~to, facilities for organized sports events as well as passive park~~
18 ~~features incorporating native plant species, trails, paths, and~~
19 ~~benches. The park shall be open to the public.~~

20 ~~(d) If the department determines that the city has failed to~~
21 ~~develop a local park with regional benefits within five years of~~
22 ~~execution of the lease, the state shall have the right to terminate~~
23 ~~the lease.~~

24 ~~(e) Notwithstanding subdivision (d) of Section 5003.17, the~~
25 ~~State Public Works Board shall review and approve the lease,~~
26 ~~and shall report any action taken to the Legislature and the~~
27 ~~Governor.~~

28 ~~(f) Upon one year's written notice from the city and upon the~~
29 ~~state's written consent as granted pursuant to the state's sole~~
30 ~~discretion, the lease may be extended for an additional 25 years~~
31 ~~commencing on the first calendar day after the date set for~~
32 ~~expiration of the lease. In exercising its discretion to extend the~~
33 ~~term of the lease, the state may modify, add, or delete terms and~~
34 ~~conditions of the lease, including a requirement for monetary~~
35 ~~consideration for use of the property, as the state may determine~~
36 ~~to be in the best interest of the state. Pursuant to subdivision (d)~~
37 ~~of Section 5003.17, the Legislature shall review and approve any~~
38 ~~extension of the lease.~~

39 ~~(g) The lease, and any extension of the lease, entered into~~
40 ~~pursuant to this section shall require the city to comply with~~

1 applicable storm water waste discharge requirements prescribed
2 by the Santa Ana Regional Water Quality Control Board or the
3 State Water Resources Control Board.

4 (h) The City of Newport Beach shall not use the lease to meet
5 its funding match requirement when applying for grant funds
6 under the Roberti-Z'berg-Harris Urban Open Space and
7 Recreation Program Act (Chapter 3.2 (commencing with Section
8 5620), or any other state grant funds, to develop Sunset Ridge
9 Park.

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